



HOUSE OF COMMONS

Justice Committee

Oral evidence: [Pre-appointment hearing: Prisons and Probation Ombudsman](#), HC 1358

Tuesday 17 July 2018

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Members present: Robert Neill (Chair); Mrs Kemi Badenoch; Ruth Cadbury; Bambos Charalambous; David Hanson; John Howell; Gavin Newlands; Victoria Prentis.

Questions 1-57

Witness

I: Sue McAllister CB, preferred candidate for Prisons and Probation Ombudsman (PPO).

Examination of witness

Witness: Sue McAllister CB.

Chair: Good morning, Ms McAllister. Thank you for coming to give evidence to us. We have to start with some declarations of interest. I am a non-practising barrister and a consultant to a law firm.

Victoria Prentis: I am a non-practising barrister.

Bambos Charalambous: I am a non-practising solicitor.

Ruth Cadbury: I was a trustee of Barrow Cadbury Trust.

Q1 **Chair:** Ms McAllister, perhaps you would just introduce yourself for the record.

Sue McAllister: I'm Sue McAllister.

Q2 **Chair:** Thank you. You are here, of course, for pre-appointment scrutiny for the position of prisons and probation ombudsman.

Sue McAllister: That's correct.

Q3 **Chair:** You have worked in the Prison Service yourself—you had a very distinguished career in the Prison Service over a number of years.

Sue McAllister: Yes, that's correct.

Q4 **Chair:** And you retired, I think, in 2016.

Sue McAllister: I retired in 2011 from the civil service in GB. Then, in 2012, I joined the Northern Ireland civil service, and I worked for the Prison Service in the Department of Justice in Northern Ireland until I retired for the second time in 2016.

Q5 **Chair:** In 2016—got that. And since then?

Sue McAllister: Since then, I have been doing some work on a voluntary basis. I am a trustee of a charity in the east midlands for homeless people and people at risk of homelessness. I have been doing some volunteering with an organisation called the Shaw Trust, giving employment mentoring to people with significant barriers to employment—primarily people who have been in custody. I am also a volunteer with the Leicestershire youth offending service as an appropriate adult.

Q6 **Chair:** Right. I understand you have been involved in the criminal justice system for a long time.

Sue McAllister: Yes.

Q7 **Chair:** Do any of your family currently work in the prisons system?

Sue McAllister: My son is a supervising officer—an SO—at Gartree Prison.

Q8 **Chair:** Okay, that's fair enough. We have seen the form that you filled in



HOUSE OF COMMONS

in relation to any conflicts of interest and so on.

Sue McAllister: And I have none—there are none.

Q9 **Chair:** There are no conflicts?

Sue McAllister: None.

Q10 **Chair:** No matters that could cause any embarrassment?

Sue McAllister: No, nothing.

Q11 **Chair:** Neither in relation to previous activities nor in relation to social media or anything of that kind?

Sue McAllister: No.

Q12 **Chair:** Okay, thank you. Can you help me? In the person specification, the post is advertised as being for 37 hours. Is that the basis upon which you are undertaking the role?

Sue McAllister: No. Throughout my Prison Service career, I worked to terms and conditions that were known as “all hours worked”, which basically meant you worked for as many hours as you needed to get the job done. I have never been constrained by conditioned hours. It would be my expectation that I would work however many hours I needed to work to do the job, were I appointed. I certainly would not be counting until I got to 37.

Q13 **Chair:** There was some talk as to whether this was going to be a full-time or a part-time post, so I just wanted to know what your understanding of it was.

Sue McAllister: Absolutely correct, and I have had some conversations around flexibility of working. I think, for a role at this level, it is quite appropriate to have some freedom to work the hours that need to be worked. My understanding is I would be employed on a full-time basis, but I wouldn't expect to do 37 hours every week. I would expect that—

Q14 **Chair:** But you are being employed on a full-time basis and salaried on a full-time basis.

Sue McAllister: Yes, that's correct.

Q15 **Chair:** That could, I suppose, mean just a little bit less than 37 hours; it could mean rather less.

Sue McAllister: That's right.

Q16 **Chair:** Are you satisfied that you would have the resource, if you took over as prisons and probation ombudsman, to deal with the growing workload that is there?

Sue McAllister: It is clearly a challenge to cope with increased demand and diminishing financial resources, which in real terms means fewer people because most of the ombudsman's budget is taken up by staffing costs. That is the reality of working in public life in the 21st century.



HOUSE OF COMMONS

Obviously, until I took up the post, I would not know in detail, but one of the first challenges that I would face, were I to be appointed, would be to look to realign demand and resource. The starting presumption must be that these are the resources that we have to do the job, so it would be around prioritisation, looking at proportionate responses to some of the demands and looking at whether we have the right staff doing the right thing at the right time. I don't underestimate the challenge, but it is a challenge that I have faced, certainly during the latter part of my career in senior roles.

- Q17 **Chair:** I suppose many people in the service will make the point that this is essentially a demand-led thing. You can't control the number of complaints that are made—that arises from other things in the system. If that requires more time than your 37 hours, I suppose you are available to do that. Is that what you are saying?

Sue McAllister: Absolutely, but looking at it more strategically, it is a demand-led organisation. The demands are increasing, but it is about looking at where they are increasing. So, for example, there are more deaths from natural causes and more older people in prison. It is about looking at a proportionate response to some of those deaths—this is not a “one size fits all”. Not all fatal incidents in prison require the same level of response and investigation.

Looking at complaints, obviously success would be that no complaints came to the ombudsman—the wish would be that they would all be dealt with through the internal process. If the ombudsman is doing his or her bit in terms of learning lessons and getting better at responding to complaints at the appropriate level, that will impact on demand at the ombudsman's office.

- Q18 **Chair:** There may come a point when you find the resource isn't adequate to keep up with demand. What steps do you take then?

Sue McAllister: As I have said, I don't think that is any different to many other parts of working in the public sector and civil service. There is no more money, and all public services are stretched and wanting more money, so you have to work out what the most important parts of the role are, do what needs to be done, and do it as well as it can be done within the available resources.

Chair: Thank you.

- Q19 **Victoria Prentis:** I've been looking at your Twitter feed. Do you think that you can be objective about private prisons as opposed to prisons that are run publicly?

Sue McAllister: I have had this conversation already. My personal ideology has never changed, but, importantly, neither has it ever impacted on the way that I have been able to do my job. I am professional in the way I do my job and always have been. I have had dealings with prisons in the public and private sectors throughout my career—I was actually working in the Yorkshire area office when the first private prison, HMP



HOUSE OF COMMONS

Wolds, was opened in the early 1990s. Absolutely, yes—it has never been an issue and will not be an issue.

Q20 Victoria Prentis: Perhaps you can tell us a bit more about your personal ideology.

Sue McAllister: First and foremost, the important thing is to stress that my professional response would be exactly as I have just described. My personal ideology is that running prisons should be a matter for the state. I think we do a very important thing—sometimes we have to use force on people, and sometimes it is the ultimate sanction. My personal view is that that is not something that should be done for profit.

Q21 Victoria Prentis: Do you think that if you were investigating a death in a private prison you could not help but treat that differently and make different recommendations about it?

Sue McAllister: No, absolutely not. In my dealings, I have found that the people who work in prisons in the private sector—at senior levels and on the landings—are absolutely as committed and professional. Quite often, if you have aspirations to be a prison officer, where you go to work as a prison officer will be determined by geography and by which prison is nearest to your home, not by whether you want to work for G4S or Sodexo or HMPPS. I find there is absolutely no difference in the commitment of staff, and in the intention and professionalism of staff to get best outcomes for prisoners.

Q22 Victoria Prentis: I was a civil servant myself, and obviously I understand that that is perfectly right and proper—civil servants do have political views—but do you feel that some of your tweets about MOJ policy are in fact embarrassing?

Sue McAllister: Any social media activity that I have participated in over the past two years has been as a private citizen. As a civil servant, obviously, my freedom to say things is significantly constrained, and were I to be appointed to this role I would be very mindful of that. I think you would find that I have also retweeted tweets from politicians of all colours.

Q23 Victoria Prentis: I have not done an exhaustive search, but what I have found is retweets from Jeremy Corbyn, from John McDonnell, from Richard Burden and one about there being no confidence in the Government last year.

Sue McAllister: I think there is also one from Sam Gyimah. Again, they were as a private citizen and certainly with no intention of embarrassing anybody. I fully accept that, were I to be appointed to this role, my activity would be appropriately constrained.

Q24 Chair: Can you just tell me the date that you applied for the role?

Sue McAllister: I can't remember.

Q25 Chair: Was it weeks ago, or months ago perhaps?

Sue McAllister: I might have a note of it.



HOUSE OF COMMONS

Q26 **Chair:** Just to give us a bit of context and background, and a bit of a timeframe.

Sue McAllister: I can't remember. I applied whenever the competition was advertised.

Q27 **Chair:** So that would be some months ago now, wouldn't it?

Sue McAllister: Yes.

Q28 **Chair:** Did you apply the first time? There has been more than one advertisement.

Sue McAllister: No, I didn't.

Q29 **Chair:** Fair enough; so it was when it was advertised this last time.

Sue McAllister: Yes.

Chair: Okay, so we can check when that is.

Q30 **David Hanson:** Just following on from Ms Prentis's comments, there is a tweet on 22 March 2018, which is a retweet of Frances Crook from the Howard League for Penal Reform, and it says "We need to undo Grayling's disastrous breakup of community supervision." Now, this Committee may agree with that; I suppose the question is, does that influence your future role and the decisions that you may or may not take in that future role?

Sue McAllister: No, I genuinely believe not. I think, again, that, with hindsight, that may have been unwise. But, no, I think my role, were I to be appointed to this, would be to work within the Government policy of the time and, again, to investigate the actions and impact of committed people who are doing the job at the coalface, as it were. I understand the nervousness, but I think I—

Q31 **David Hanson:** I suppose the question would be this: this Committee has taken a broadly similar view of the Grayling reforms on probation in the last couple of weeks, but if you are making recommendations about probation matters based on instances and cases brought before you, and the Justice Secretary looks at that tweet, or his officials do, would that cause any concern in terms of the quality of the decisions and judgments that you are making within your sphere of responsibility?

Sue McAllister: I think it just comes back to what I have said before—that my personal ideology has never impacted on the way that I have done my job, and I would not allow it to impact on the way that I did any job in the future.

Q32 **Mrs Badenoch:** I just wanted to find out a little bit more about why you left your previous role. It says you finished in October 2016. What were your reasons for leaving?

Sue McAllister: I was appointed to the Northern Ireland civil service to lead a reform of the Northern Ireland Prison Service, so it was a time-bounded reform programme based on a review that had been conducted,



HOUSE OF COMMONS

led by Dame Anne Owers and based on 40 recommendations for organisational, structural and cultural change within the Northern Ireland Prison Service. I left at the point where the 40 recommendations, in so far as they could be, had been delivered and it was time for somebody else to come in and do the job. I had done it for four and a half years. I was commuting from my home in Leicestershire on a weekly basis. I just felt it was the right time. There was a change in Minister. There was a lot of change, and sometimes you know when it is time for somebody with a different approach to come in and do the job. I had a fantastic time; I loved working over there, I had a great team and I genuinely think we made some sustainable improvements to the way prisons and the wider justice system were delivered in Northern Ireland, but it was just time to come home.

- Q33 **Mrs Badenoch:** And you did not want to continue working within the civil service in some capacity? It has been two years since you left that role.

Sue McAllister: I had retired from NOMS in 2011 and then, when I went back to work, I worked for a completely different civil service. Realistically, had I wanted to stay in the civil service at that point, I would probably have looked for something else in the Northern Ireland civil service—possibly a permanent secretary role or another role over in Northern Ireland—but I was conscious that my family had been very supportive of my doing that weekly commute and it was time to do something different.

- Q34 **Bambos Charalambous:** What would success look like for the PPO, and where do you think the organisation should be a year from now?

Sue McAllister: As I have mentioned already, success in a purely aspirational way would be that no complaints came to the PPO, because all the lessons had been learned and everything was dealt with at the appropriate level, and there was a reduction in the number of fatal incidents, in so far as those that are preventable, and that lessons can be learned from would not happen in the same way. Being more realistic about what success would look like, were I to be appointed I would look at the impact and standing of the PPO role. There is the potential to do more on aligning with the other independent scrutiny bodies, particularly on thematic work. I would also look at the relationship with the statutory agencies. Although the PPO is an independent appointment, it needs to be useful and to have an impact on helping to make prisons, probation and immigration detention better. I would look at how that could be measured, because I am a great believer that what gets measured gets done, so I would look at how some of those things could be articulated in performance measures.

- Q35 **Bambos Charalambous:** How would you ensure that your recommendations had impact and helped to improve prison safety?

Sue McAllister: I know that is a really difficult challenge. Certainly, there is a great deal of frustration around repeat recommendations and recommendations being made time and again—for example around cell call bells or first night and early days procedures in prisons. Again, it is about the relationship that the PPO has with the other independent



HOUSE OF COMMONS

scrutiny bodies, but also with the practitioners who are delivering change on the ground. For me, thinking about this, there is an issue about what sanctions are available when these recommendations are not implemented, or are accepted but not delivered. There is an issue there, but it cannot all be stick; some of it has to be about explaining why these things are necessary and being part of the enabling process to allow them to be delivered.

Q36 John Howell: What experience do you have in dealing with the media?

Sue McAllister: Particularly in my last job in Northern Ireland I had a good deal of experience in dealing with the media—much of it, I have to say, around bad news. We had two officers who were murdered during my period of tenure, and some very high-profile incidents happened within the areas for which I had responsibility, so I have experience of television and radio and of being in the newspapers. I also have some experience of being more proactive and writing, particularly about prison reform and what we were trying to do, to increase the understanding among stakeholders. I have done media training; I have significant experience of dealing with both friendly media and, sometimes, more hostile media.

Q37 John Howell: So what approach will you take to dealing with the media in this role?

Sue McAllister: It's an interesting question how high a media profile the PPO should have. Realistically, much of the media interest is likely to be around fatal incidents and when things have gone wrong. There is a discussion with other independent bodies, such as HMIP and the independent monitoring boards, about aligning the messaging and media profile so that it is not too crowded a place and any media input is necessary and proportionate. There is also a role around doing more proactive work, perhaps with more local media, in relation to particular establishments, and increasing the understanding more generally and publicly of what the ombudsman does. The profile has not been particularly high outside the bodies that understand what the ombudsman does.

Q38 John Howell: Why do you think the balance is so shifted towards the bad news?

Sue McAllister: I've often said that good news in prisons—and I would include the criminal justice system more widely—often is not news. Nobody has ever seen a headline that says, "Well-run prison has quiet day."

Q39 John Howell: But isn't it your job to promote that?

Sue McAllister: Absolutely. It is inevitable that bad news makes better headlines but, yes, there is absolutely a role in promoting and engaging with stakeholders. That is not just about the media; that is about stakeholders more broadly. It is about educating what the office is for, what impact it can have and how it can genuinely add to the debate and the programme about making the system better.



HOUSE OF COMMONS

- Q40 David Hanson:** The first item on essential criteria for the job reads as follows: "Ability to maintain the independence of the Ombudsman from, and to make judgements independently of, the inspected agencies, Ministers, the Ministry of Justice and others."

As a career MOJ prison professional, convince me that you are going to make those judgments independently of the people you have worked with for 30-plus years at senior levels, inside both Departments of the MOJ and in Northern Ireland? You have worked with prison governors, managed prison governors and looked at all the challenges they face. Just convince me, because you will have to convince the people outside this Committee.

Sue McAllister: I absolutely understand that. I do think there are advantages to coming from a Prison Service background, in terms of credibility and understanding of the domain but I absolutely understand any anxiety. I have done reviews and have experience of working independently on some sensitive investigations and issues during my career.

A few years ago, I was asked to undertake an independent review on behalf of the immigration service into a serious disturbance at Harmondsworth immigration removal centre. I was also part of a review team that carried out an investigation into a very tricky death in custody in Maghaberry prison in Northern Ireland. In both those cases it was necessary to give some difficult and unwelcome messages to politicians and the relevant organisations and I was absolutely clear that that was necessary.

I believe that I always try to do the right thing, even where that is uncomfortable. I have applied for this job on the basis that it is an independent role. My experience of working in that way in the past shows that I have the resilience and determination to do that.

- Q41 Gavin Newlands:** Do you think the ombudsman has a role in trying to influence the MOJ and NOMS policies and practices in relation to prisoners on probation? If so, could you outline what that is?

Sue McAllister: Yes, I do think there is a role, and "influence" is absolutely the right word. The ombudsman and other scrutiny bodies are certainly not there to double-guess and interfere and be another executive authority. However, I think there is real value in some of the thematic work that the ombudsman's office has undertaken in the past around psychoactive substances, older prisoners and young people.

The ombudsman, through the work the office does, is able to collect that library of information and use it to find patterns and lessons that can be learned, and in that way influence the development of policy. I certainly have gained the view from recent conversations that I have had with people in HMPPS and the MOJ that that influence is welcomed.

- Q42 Gavin Newlands:** Do you think that that is quite an important part of your proposed role?

Sue McAllister: Yes.



HOUSE OF COMMONS

Q43 Gavin Newlands: My last question concerns the relationship between you or the ombudsman and this Committee. How do you view that relationship?

Sue McAllister: I know from conversation that I have had with other independent bodies that the relationship with this Committee has been very useful in terms of leverage and support. I would certainly expect there to be a role for the Committee in holding me to account, and it would be as regular as the Committee deemed it to be useful. I would also welcome the opportunity, were I to be appointed, to give regular updates to the Committee so that you are aware of progress and developments and content with the direction of travel.

Q44 Chair: Look at it from this point of view. Suppose there has been a death and you are a member of the family of the person who sadly died. You have a grievance because of the way the Prison Service dealt with that person. There is a risk they will say that you have been a part of the service all your life. How can you objectively sit back and come to an impartial view as to what might be failings? Inevitably, people will say, "She's part of the system. She can't stand back from it." How do you answer that?

Sue McAllister: First of all, in the days before the duty was given to the ombudsman, I had experience of investigating deaths in custody and of visiting families. I believe I have always been able to do that sensitively and appropriately. I have never shied away from having difficult conversations with colleagues, even when I was part of the system. My determination to do the right thing has meant that I have sometimes had to criticise and direct people to do things that they felt uncomfortable with. It comes down to the fact that it would be incumbent on me, were I to be appointed, to demonstrate that I had that level of integrity, objectivity and resilience to be able to do that.

Q45 Chair: This is not just your own personal action. It's the perception, isn't it?

Sue McAllister: Yes.

Q46 Chair: Do you feel that the perception is already compromised?

Sue McAllister: First, it is a good number of years since I worked in what is now HMPPS and what was then NOMS, so times change and I have done other things since then. I am not wholly defined by my role as a Prison Service practitioner. Again, it comes down to making evidence-based decisions, being transparent, demonstrating integrity and doing that over time.

Q47 Chair: What made you decide to come back into this area of work, having been out of it for a while?

Sue McAllister: In the last year to 18 months it has been clear to me that I have the appetite and the energy to do another large role. This is an area of work that clearly interests me—I have done it for so long—and I have a genuine commitment to trying to make things better. I think that I could add some value in this role. I could demonstrate the



HOUSE OF COMMONS

appropriate balance between independence and a collaborative approach.

- Q48 **Chair:** We know that the post was advertised in early March and that the sift took place in early April. Going back to my earlier question about when you decided to apply, it was around March to April.

Sue McAllister: Yes.

- Q49 **Chair:** At which point you were clearly aware that you were going to do something that was going to be in the public domain.

Sue McAllister: Yes.

- Q50 **Chair:** I imagine you were careful thereafter not to give the impression of any prejudice or bias.

Sue McAllister: Do I get the impression?

- Q51 **Chair:** No, after you decided to apply; I imagine you realised you had to be ultra-careful in case you decided to apply to become a civil servant again.

Sue McAllister: Yes.

- Q52 **Chair:** Did that influence your social media activity at all?

Sue McAllister: I can't say that; I'm sorry. I hope it did. I don't know whether I have done anything unwise since then.

- Q53 **Chair:** I understand and I take your point. Once you have applied for a post like this, you are potentially going back into the civil service again, aren't you?

Sue McAllister: Yes.

- Q54 **Victoria Prentis:** Would you carry on in your voluntary role for your charity?

Sue McAllister: I think there would be a time challenge, to be honest. I haven't had those conversations with any of the organisations that I volunteer with because I haven't been appointed.

- Q55 **Victoria Prentis:** Fair enough. The Bridge, in particular, presumably takes up a lot of your time.

Sue McAllister: It doesn't, to be honest. It tends to be just a board meeting every couple of months. Because it's not on my doorstep, I tend to be one of the least active trustees.

Victoria Prentis: I just wondered.

- Q56 **Ruth Cadbury:** On that, you have volunteering roles and a trusteeship. What will you do if any of that work could be perceived to have, at any point in time, any connection with the role for which you are applying?

Sue McAllister: I wouldn't be able to carry on with any of the volunteering anyway, because of time commitments. I think it would be particularly inappropriate to carry on with the youth offending service. Given the need to maintain some sort of balance for me and my family,



HOUSE OF COMMONS

and to be flexible in this role were I to be appointed, I would not continue with that.

Q57 **Ruth Cadbury:** Okay. The Charity Commission's rules for trustees of charities are now very strict. When one is involved as a trustee, one's first loyalty has to be to the charity. Should that come into conflict with your prisons and probation ombudsman role—

Sue McAllister: To be honest, I don't think I would be able to continue to do that. It is just that I haven't been able to have those conversations yet, because nothing has been decided.

Chair: Ms McAllister, thank you very much for your evidence. We are grateful to you for your time and for travelling here. We will consider our report. Thank you.